

REMARKS

Claims 2-4, 6-12, and 23-26 are pending in this application. Claims 6, 23, 24, 25 are amended above. The amendment to Claim 6 adds a missing period. As to the amendment to Claim 23 at lines 13-14, see, e.g., Applicant's figures and specification regarding portable terminal 1, portal managing server 3 and portal site data providing device 2.

In the office action, Claims 23-26 have been indicated to be indefinite, with the Examiner citing the phrases "such as" and "or the like". The claims, as amended above, do not use the objected-to phrases. Reconsideration and withdrawal of this rejection are sought.

Claims 23, 6-12, and 24-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Britt Jr. et al (US 2002/0032785) in view of Dosch (US 2002/0069364). In the office action (page 9) it is admitted that "Britt, Jr. does not specifically disclose the portal site data providing device being placed at places such as a portable telephone shop, a convenience shop, and the like where a user goes." Claims 26 and 2-4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Britt Jr., in view of Farrugia et al (US 2002/0100798), and further in view of Dosch.

Applicant traverses the obviousness rejections as follows. The obviousness rejections are impermissible hindsight reconstructions and are not based on how a person of "ordinary" skill in the art at the time of the invention would have actually thought.

Applicant's portal site data providing device is not disclosed by Britt Jr. It is only from Applicant's specification that we could think that the portal site data providing device of the present invention would exist between portal device 150 (Fig. 3, Britt Jr.) and portal server 110 (Fig. 3, Britt Jr.), and take over information transmission/ reception between portal device 150 and portal server 110. That is, it is only based on Applicant's specification that we can think that Applicant's portal site data providing device would transmit/receive information, in place of portal device 150 (Fig. 3 of Britt Jr.), from/to portal server 110 (Fig. 3 of Britt Jr.) and delivers the information to portal device 150. But

without Applicant's specification, that is unknown to a person of ordinary skill in the art.

It is only from Applicant's specification that we can think that the portal site data providing device of the present invention could exist between Internet terminal 11 (Fig. 2 of Dosch) and Internet terminal provider 22 (Fig. 2 of Dosch), i.e., that the portal site data providing device of the present invention would transmit/ receive information, in place of Internet terminal 11 (Fig. 2 of Dosch), from/to Internet terminal provider 22 (Fig. 2 of Dosch), and deliver the information to Internet terminal 11. But without Applicant's specification, that is unknown to a person of ordinary skill in the art.

The present invention communicates with a portal site server in place of a portable terminal and delivers the information obtained by the communication to the portable terminal. The present invention is thus completely different from the configuration of Britt Jr. or Dosch in which a portable terminal and a server communicate with each other.

As mentioned, Britt Jr. and Dosch fail to disclose that some device takes over the information transmission/reception by the portable terminal. It is therefore not possible based on the references for a person of ordinary skill in the art at the time of the invention to have reached the present invention.

Reconsideration and withdrawal of the obviousness rejections are respectfully requested.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 2-4, 6-12, and 23-26 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees for the

petition or for entry of this amendment to Attorney's Deposit Account No. 50-2041
(Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary E. Goulet". The signature is fluid and cursive, with the first name "Mary" and last name "Goulet" clearly distinguishable.

Mary E. Goulet
Reg. No. 35,884

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